

REMARKS

Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks.

Amendment to the Claims

Applicants have amended Claim 5 into independent form by including the limitations of Claim 1 and the limitation that a single longitudinal row is formed in the carrier. Applicants have further added new Claim 19 requiring the limitation that the containers are carried at an angle between approximately 30° and 75° with respect to horizontal. Applicants have accordingly canceled Claim 1 and changed the dependency of Claims 2-4, 6 and 7. Applicants have amended Claim 8 to include the limitation that the containers are carried at an angle between approximately 30° and 75° with respect to horizontal and the limitation that the handle comprises an aperture positioned in the periphery of the panel. Applicants have further added new Claim 20. Applicants urge that the above amendments and new claims add no new matter to the application. Applicants hereby authorize the U.S. Patent and Trademark Office to charge Deposit Account 19-3550 for the additional independent claim added through this amendment.

Claims Rejection - 35 U.S.C. §102
THE OLSEN '821 PATENT

The Examiner has rejected Claims 1-12 under 35 U.S.C. §102 as anticipated by Olsen, U.S. Patent 6,182,821 (the Olsen '821 Patent). Applicants

respectfully traverse this rejection in view of the above Amendment and the following remarks.

Following amendment, all independent claims now require a handle positioned at the periphery of a panel that inverts when the handle is lifted. Applicants have further amended Claim 1 to require a single longitudinal row of container receiving openings. Applicants have additionally amended independent Claim 8 and added new dependent Claim 19 to require that the containers are carried at an angle between approximately 30° and 75° with respect to horizontal. Applicants have further added independent Claim 20 that requires a plurality of bottles wherein the panel extends from an area between below a top and above a vertical midpoint of such bottles. Applicants urge that such limitations are neither taught nor suggested by the Olsen '821 Patent.

The Olsen '821 Patent teaches a handle having an aperture positioned closer to an interior of a label area 25 or panel 55 than the periphery of the label area 25 or panel 55 as shown in Figs. 1-4 of the Olsen '821 Patent. In fact, in every embodiment shown and described, the Olsen '821 Patent teaches that the label area 25 (shown in Figs 1-3) or the panel 55 (shown in Fig. 4) is positioned along a periphery of the carrier *outside* of the aperture forming the handle 30. Therefore, the Olsen '821 Patent, teaching a handle positioned inside of the panel, teaches away from the claimed invention requiring a handle positioned at an outer periphery of the

panel.

The Olsen '821 Patent neither teaches nor suggests a carrier formed in a single longitudinal row as required in independent Claim 5. In addition, the Olsen '821 Patent does not teach or suggest a panel that extends from an area between a top and above a midpoint of a plurality of bottles as required in new independent Claim 20.

Finally, the Olsen '821 Patent neither teaches nor suggests a panel that is inverted when lifted as required in Applicants' claimed invention. Contrary to the claimed requirement of Applicants' invention, the Olsen '821 Patent teaches a handle or handles that extend generally perpendicularly from the unitized containers as shown in Figs. 2 and 3. As such, when the handle is lifted, the handle remains perpendicular to the package as the load of the containers maintains the package of containers directly beneath the handle 30 of the Olsen '821 Patent. In addition, this configuration taught by the Olsen '821 Patent results in containers that are carried at parallel to horizontal not at an angle between approximately 30° and 75° with respect to horizontal as required in the claimed invention.

**Claims Rejection - 35 U.S.C. §102
THE MARCO ET AL. '829 PATENT**

The Examiner has rejected Claims 1-3, 5, 7-10 and 13 under 35 U.S.C. §102 as anticipated by Marco et al., U.S. Patent 5,072,829 (the Marco et al. '829 Patent). Applicants respectfully traverse this rejection in view of the above

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Amendment and the following remarks.

As an initial matter, Applicants note that the Marco et al. '829 Patent cited by the Examiner does not appear to be of record in the subject U.S. patent application, either in the initialed Form PTO-892 or Form PTO-1449. Applicants respectfully request that the Examiner formally make the Marco et al. '829 Patent of record.

Following amendment, all independent claims now require a handle positioned at the periphery of a panel that inverts when the handle is lifted. Applicants have further amended Claim 1⁵ to require a single longitudinal row of container receiving openings. Applicants have additionally amended independent Claim 8 and added new dependent Claim 19 to require that the containers are carried at an angle between approximately 30° and 75° with respect to horizontal. Applicants have further added independent Claim 20 that requires a plurality of bottles wherein the panel extends from an area below a top and above a vertical midpoint of such bottles. Applicants urge that such limitations are neither taught nor suggested by the Marco et al. '829 Patent.

The Marco et al. '829 Patent teaches a handle having an aperture positioned closer to an interior of what the Examiner terms a panel 40 than the periphery of such panel as shown in Figs. 1 and 3 of the Marco et al. '829 Patent. In fact, in every embodiment shown and described, the Marco et al. '829 Patent teaches

that the aperture forming the handle is positioned along an interior edge of the element 40 not along an outer periphery of element 40 as required in the claimed invention. Therefore, the Marco et al. '829 Patent, teaching a handle positioned inside of a "panel," teaches away from the claimed invention requiring a handle positioned at an outer periphery of the panel.

Finally, the Marco et al. '829 Patent neither teaches nor suggests a panel that is inverted when lifted as required in Applicants' claimed invention. Contrary to the claimed requirement of Applicants' invention, the Marco et al. '829 Patent teaches a handle that extends from the unitized containers so that when the handle is lifted the handle remains perpendicular to the package. Contrary to the suggestion of the Examiner, the handle will not invert at least partially against the containers because the load of the containers will maintain the package of containers directly beneath the handle of the Marco et al. '829 Patent. In addition, this configuration taught by the Marco et al. '829 Patent results in containers that are carried at an angle of approximately 90° with respect to horizontal not between approximately 30° and 75° with respect to horizontal as required by Claims 8-19 of the claimed invention.

Claims Rejection - 35 U.S.C. §103
THE MARCO ET AL. '880 PATENT IN VIEW OF THE SLOMSKI PATENT

The Examiner has rejected Claims 1-5, 7-10, 13-15, 17 and 18 under 35 U.S.C. §103(a) as unpatentable over Marco et al., U.S. Patent 6,230,880 (the Marco et al. '880 Patent), in view of Slomski, U.S. Patent 5,868,659 (the Slomski Patent).

Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

Following amendment, all independent claims now require a handle positioned at the periphery of a panel that inverts when the handle is lifted. Applicants have further amended Claim 1⁵ to require a single longitudinal row of container receiving openings. Applicants have additionally amended independent Claim 8 and added new dependent Claim 19 to require that the containers are carried at an angle between approximately 30° and 75° with respect to horizontal. Applicants have further added independent Claim 20 that requires a plurality of bottles wherein the panel extends from an area between below a top and above a vertical midpoint of such bottles. Applicants urge that such limitations are neither taught nor suggested by the cited combination.

The Examiner alleges that the Marco et al. '880 Patent teaches a carrier having a panel that may be used as a handle. However, the Examiner admits that the Marco et al. '880 Patent does not teach an aperture positioned in an outer periphery of the panel to thereby invert the panel at least partially against the containers. On the contrary, the Marco et al. '880 Patent teaches a panel that, if used contrary to its designed purpose (i.e., as a handle, Col. 1, lines 40-42), will invert the panel above the plurality of containers.

In addition, the Marco et al. '880 Patent teaches an aperture 25

positioned at an interior of a panel 35 and not the periphery of such panel. However, the Examiner alleges that the Slomski Patent teaches such an aperture 44 in Figs. 1 and 2. However, the Slomski Patent teaches directly away from the claimed invention, by requiring that the panel 42 comprise a separate assembly that is mated perpendicularly to the carrier body. In this way, the Slomski Patent does not teach or suggest a panel that is inverted at least partially against the containers when lifted.

Neither the Slomski Patent nor the Marco et al. '880 Patent teach or suggest a single row of container receiving openings as required in Claim 5 of Applicants' invention. On the contrary, the Slomski Patent, requiring a handle that extends between two rows of containers would not function with a single row of container receiving openings. In addition, the Marco et al. '880 Patent neither teaches nor suggests only a single row of container receiving openings, as each and every embodiment in the Marco et al. '880 Patent clearly teaches two rows of container receiving openings.

Like the other cited references, the handle taught by the Slomski Patent will not invert at least partially against the containers because the load of the containers will maintain the package of containers directly beneath the handle of the Slomski Patent. When combined with the teachings of the Marco '880 Patent, one is similarly left with the suggestion that the handle is maintained directly above the containers and thus results in containers that are carried at an angle of approximately

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90° with respect to horizontal, not between approximately 30° and 75° with respect to horizontal as required in Claims 8-19 of the claimed invention.

Finally, as required in new Claim 20, neither the Slomski Patent nor the Marco et al. '880 Patent, alone or in combination, teach a panel that extends transversely and downwardly from a longitudinal row, wherein the panel extends from an area below a top and above a vertical midpoint of a plurality of bottles. Instead, the Slomski Patent teaches a panel that extends upwardly from the containers whereas the Marco et al. '880 Patent teaches a panel that extends from a top of the containers, not from an area below a top of a plurality of bottles and above a vertical midpoint of such bottles, as required in the claimed invention. Applicants urge that the cited combination does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

Claims Rejection - 35 U.S.C. §103

**THE MARCO ET AL. '880 PATENT IN VIEW OF THE SLOMSKI PATENT AND
FURTHER IN VIEW OF THE OLSEN '994 PATENT**

The Examiner has additionally rejected Claims 6, 11 and 16 under 35 U.S.C. §103(a) as unpatentable over the Marco et al. '880 Patent in view of the Slomski Patent and further in view of Olsen, U.S. Patent 6,148,994 (the Olsen '994 Patent). Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

Applicants note that the Olsen '994 Patent, like the other cited

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references, teaches an aperture positioned at an interior of a panel 50 and not the periphery of the panel 50 as shown in Figs. 1-5 of the Olsen '994 Patent. Therefore, the Olsen '994 Patent, teaching a handle positioned inside of the panel, teaches away from the claimed invention requiring a handle positioned at an outer periphery of the panel. Applicants urge that the cited art does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

CONCLUSION

In view of the above Amendment and remarks, Applicants sincerely believe that Claims 2-20 of this patent application are now in condition for allowance and early allowance is respectfully requested.

Respectfully submitted,



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